

United States District Court
Middle District of Florida
Jacksonville Division

BARBARA FELDMAN AND EDWARD FELDMAN,

Plaintiffs,

v.

No. 3:19-CV-419-J-34PDB

TARGET CORPORATION,

Defendant.

Order

Target Corporation requests an order requiring Barbara Feldman to submit to a physical examination by Sina Kasraeian, M.D., on March 25, 2020, at 11:00 a.m. (with Ms. Feldman arriving at least fifteen minutes early), at 3055 CR 210 West, Suite 110, St. Johns, Florida 32259. [Doc. 48](#). Ms. Feldman has no opposition. [Doc. 48](#) at 2.

Target explains the examination is necessary because Ms. Feldman's physical condition is in controversy (a shoulder injury), the examination allows Target's expert to form a "meaningful opinion," and Target otherwise would be limited to cross-examining Ms. Feldman's own doctors or experts. [Doc. 48](#) at 1, 3; *see also* [Doc. 3](#), ¶¶ 9, 15 (alleging injuries). Target explains Dr. Kasraeian, with his staff's help, will examine Ms. Feldman's "areas of alleged injury," "with specific emphasis on the shoulder," and the examination will include questions about her medical and social history, "work status, medications, allergies, [and] chief complaints." [Doc. 48](#) at 1.

Under [Federal Rule of Civil Procedure 35](#), a court may "order a party whose mental or physical condition ... is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner." [Fed. R. Civ. P. 35\(a\)\(1\)](#). The

order “may be made only on motion for good cause and on notice to all parties and the person to be examined” and “must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Fed. R. Civ. P. 35(a)(2).

Target has established good cause. Ms. Feldman’s physical condition is in controversy because she alleges she suffered physical injuries due to Target’s negligence, the examination is focused on the claimed injuries, and she has no objection. Doc. 3. The Court **grants** the motion, Doc. 48, and **directs** Ms. Feldman to appear at the examination with Dr. Kasraeian on March 25, 2020, at 11:00 a.m. (arriving at least fifteen minutes early), at 3055 CR 210 West, Suite 110, St. Johns, Florida 32259. The parties may agree on a different date and time without need for further Court order.

Ordered in Jacksonville, Florida, on March 11, 2020.



PATRICIA D. BARKSDALE
United States Magistrate Judge

c: Counsel of record